

ENTERED

October 19, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**JOSE ROCHA, JR.,
Plaintiff,

v.

ENRIQUE DE LA GARZA (DECEASED)
INSURED (LIFE INSURANCE), *et al.*,
Defendants.§
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Civil Action No. 1:23-cv-00109

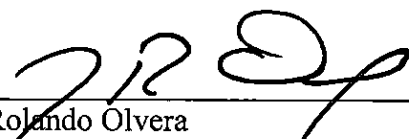
ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is pro se Plaintiff's "Complaint" (Dkt. No. 1) and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 5). The R&R recommended the Court: (1) dismiss without prejudice Plaintiff's Complaint (Dkt. No. 1) for lack of jurisdiction; and (2) direct the Clerk of Court to close this case.

No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Before the Court is also a "Motion for Extension" ("Motion") (Dkt. No. 8) filed by Plaintiff requesting, among other things, that the Court provide him with the correct forms and instructions to refile his complaint. Because the Court adopts the R&R and finds it lacks subject matter jurisdiction (*See* 28 U.S.C. §§ 1331, 1332) over Plaintiff's claims, his Motion (Dkt. No. 8) is **DENIED AS MOOT**.

Accordingly, Plaintiff's claims against Defendants are **DISMISSED without prejudice**. The Clerk of the Court is **ORDERED** to close this case.

Signed on this 19th day of October, 2023.

 Rolando Olvera
 United States District Judge